IN THE UNITED STATES PATENT AND TRADEMARK **OFFICE**

REQUEST FOR FILING (RULE 53(b)(1))



FOR DESIGN OR UTILITY APPLICATIONS

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	3(b)(1) PATE! Continuation	NT APPLICATION	<u>l:</u>			22
	Continuation) application u	nder 37 CFR 1.53(b	o)(1)		53.8 3.8
\leq	Divisional)	,			7-6 <u>/</u>
f pen	ding prior app	lication of		Group Art l	Jnit: <u>1652</u>	
	(\- 7 : -			Examiner:	Steadman, D.	J.
nvent	or(s): Ziegle	er et al.		Examiner.	Steauman, D.	
'arent	t Appln. No.:	09	431,099	Atty. Dkt.	P 282413	990079BT-DIV-I
		Series Code û	Serial No. û	-	<u>New</u> M#	Client Ref
		ember 1, 1999	1004 (hamayyith)			
nis A	ppln. Filed:	September 27, 2	(nerewith)			
itle:	Nucleotide \$	Sequences Coding	g for the ThrE Gene	and Process for	the Enzymatic Pr	oduction of
		Using Corynefor				
on. C	Commissioner	of Patents		_	September 27, 20	01
∕ashi	ington, DC 202	231		(Parent Mat	tter No264921)
i.e.						
ir:						
	To	effect the above-	requested filing toda	ау:		
	A44bdia	a aany (which my	ust be filed) of the p	orior application	including:	
•	Attached is	a copy (<u>wnien int</u>	ist be filed) of the p	mor application,	moluding.	
	N Alestan	1				
			(<u>34</u> pages) (<u>must</u> b e	e attached)		
	Drawing	gs (<u>must</u> be attac	hed if originally fil	ed): 2 sheet(s)/s	set: 🗌 1 set inform	nal;
	A1 37	I I		⊠ Fo	ormal of size	
A.	Always X on Opv o	e box, only: f Signed declaration	on or oath as origina	ally filed in prior a	application attache	d
(1) (2)	☐ NO dec	laration or fee is	enclosed; therefore,	this is a filing un	der Rule 53(f).	-
()				_		
	☐ This	application is here	by filed by less than	all of the invent	ors named in the p	orior application. Petition
	herek	ov made requestin	g deletion as invent	or(s) of the follow	wing who is/are <u>nc</u>	<u>ot</u> inventor(s) of the
	inven	tion being claimed	d in this application g	(DELETE THE F	OLLOWING INVE	NTOR(S)):
	1.			2.		
	3.			4.		
	5.			6.		
	7.			8.		
. =				ON IO(ADE).		
2.5	THE INVEN	TOR(S) FOR THIS	S NEW APPLICATION	UN IS(ARE):		
	1.	Petra ZIEGLE	·R	2.	Lothar EGGI	ELING
		Hermann SAI		- 2. 4.	Georg THIE	
	5.			6.		
	-			0		
	7.			_ 8.		

4.	application and is hereby incorporated therein by reference thereto. ☑ Priority is claimed under 35 U.S.C. 119/365 based on filing in GERMANY of								
	Country Application No. Filing Date Application No. Filing Date								
4(a).	a. ☐(No.) Certified copy/copies attached. b. ☑ Certified copy/copies previously filed onAugust 9, 2000								
-τ(ω).	(b) Benefit is claimed of Provisional Application No. 60/, filed								
	Degusa Hüls Aktiengeselschaft Solution Assignee (optional) Forschungszentrum Jülich GmBh								
5 6.	Attached is the following number of Assignments (including original and all later successive ones by different assignors): 1 and respective new Cover Sheets. (Do NOT file old cover sheets.)								
The state of the s	(Assignments in parent <u>must be refiled</u> with new Cover Sheets in this continuing application if you want it/them recorded against the continuing application.)								
	Please return the recorded Assignment to the undersigned.								
1. 1. 7.	☑ The power of attorney in the prior application is to <u>Pillsbury Madison & Sutro, LLP (now Pillsbury</u> Winthrop LLP)								
7.	(Name and Reg. No.) whose current address is as in item 8 below.								
	a. 🛮 Recognize as associate attorney Michael A. Sanzo, 36912								
	(Name, Reg. No. and Address)								
8.	Address all future communications to Intellectual Property Group of Pillsbury Winthrop LLP, 1600 Tysons Boulevard, McLean, VA 22102								
9.	This application claims benefit of the following prior US application(s), the contents of which are incorporated into this application by this reference:								
	No. / filed November 1, 1999 No. / filed								
	No. / filed								
desig	No. PCT/ /								
9(a).	☑ See the attached Preliminary Amendment, which amends the first page of the specification to claim benefit of the above listed US application(s)								
10.	Small Entity Status → ☐ is claimed (pre-filing confirmation required)								
	: (No.) Small Entity Statement(s) (<u>not</u> essential since 9/8/00) were/are: ☐ filed in above prior application ☐ attached.								
11. (<u>one</u> bo (<u>must</u> b									

12.	INFORMATION DISCLOSURE STATEMENT: Attached is Form PTO-1449 listing all of the documents cited by Applicant and the PTO in the parent application(s) relied upon under 35 USC 120 and referenced in item 9 above. Per Rule 98(d) copies of those documents are not required now. Please consider those documents and advise that they have been considered in this new application as by returning a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609.						
13.		Attached is a Rule 103(a) Petition to Suspend Action.					
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ADDITIONAL FEE CALCULATION FOR PRELIMINARY AMENDMENT PER BOXES 24/25

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27.	Total Effective Claims	; <u>*13</u>	minus **	20	= _	0	x	\$18/\$9	=	\$ <u>0</u>		(103/203)
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31.				<u>plus</u> FE	EE fror	n item	22 d	on page 3		+ 75	0	
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33.	*If the entry in this space is less	than a entry in the	next space, the	"Present Ex	tra" result	is "0"						
34.	**If the "Highest number previous	sly paid for" (see ite	em 17 above) is	less than 20,	, write "20	' in this spa	ace					
35.	If the "Highest number previously paid for" (see item 18 above) is less than 3, write "3" in this space				00)909						
	Our Deposit Account Our Order No.	t No. 03-397 21123 C#		282413	3 M#		_					

CHARGE STATEMENT: Upon the filing of a Declaration pursuant to Rule 60(b) or 60(d), the Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT <u>does not authorize</u> charge of the <u>issue fee</u> until/unless an issue fee transmittal form is filed.

Pillsbury Winthrop LLP Intellectual Property Group

By Atty:	Michael A. Sanzo	Reg. No.	36912		
Sig:	Michael A. Sany	_ Fax:	(703) 905-2500		

(703) 905-2173

Atty./Sec MAS/AMX

NOTE No. 1: File this Request in <u>duplicate</u> with 2 postcard receipts (PAT-103) & attachments **NOTE No. 2:** Is extension in parent necessary for copendency? <u>DOUBLE CHECK Item 11 above.</u> If yes, printout Pat-111 and head it in <u>parent</u>.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

ZIEGLER et al.

(Div. of Appl. No.: 09/431,099)

Appl. No.: to be assigned

Filed: herewith

For: Nucleotide Sequences Coding for the

ThrE Gene and Process for the

Enzymatic Production of L-Threonine

Using Coryneform Bacteria

Art Unit: to be assigned

Examiner: to be assigned

Atty. Dkt. 21123/282413

SUBMISSION OF CERTIFIED TRANSLATION OF NON-ENGLISH PATENT APPLICATION

Hon. Commissioner of Patents and Trademarks Washington, D.C. 20231

Sir:

Applicants respectfully submit a translation of the application in the German language filed herewith. A signed copy of the translator's Translation Statement Under Rule 52(d) accompanies this submission.

If there are any fees due for entry of this submission that are not otherwise accounted for, the Applicant asks that any such fees be charged to our Deposit Account No. 03-3975, with reference to Order No. 21123/282413.

Respectfully submitted,

PILLSBURY WINTHROP LLP

Michael A. Sanzo

Reg. No. 36,912

Attorney for Applicants

Date: 1600 Tysons Boulevard McLean, VA 22120 Tel. (703) 905-2173

TRANSLATOR'S DECLARATION

I, John F. Moloney, BSc., MIL., CChem., MRSC., translator to Messrs. Taylor and Meyer of 20 Kingsmead Road, London, SW2 3JD, Great Britain, verify that I know well both the German and the English language, that I have prepared the attached English translation of pages of a German Patent application in the German language with the title:

Neue für das thrE-gen codierende Nukleotidsequenzen und Verfahren zur fermentative Herstellung von L-Threonin mit coryneformen Bakterien

identified by the code number 990079 BT at the upper left of each page and that the attached English translation of this document is a true and correct translation of the document attached thereto to the best of my knowledge and belief.

I further declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that wilful false statements and the like are punishable by fine or imprisonment, or both, under 18 USC 1001, and that such false statements may jeopardize the validity of this document.

By F. Newlove

Date: 10 November 1999